

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

DORETTA J. KING, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:22-CV-138-SNLJ
)	
WAL-MART STORES EAST I, L.P.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on review of the file following assignment to the undersigned. The Eight Circuit has admonished district courts to “be attentive to a satisfaction of jurisdictional requirements in all cases.” *Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir. 1987). “In every federal case the court must be satisfied that it has jurisdiction before it turns to the merits of other legal arguments.” *Carlson v. Arrowhead Concrete Works, Inc.*, 445 F.3d 1046, 1050 (8th Cir. 2006). “A plaintiff who seeks to invoke diversity jurisdiction of the federal courts must plead citizenship distinctly and affirmatively.” 15 James Wm. Moore, et al., *Moore’s Federal Practice* § 102.31 (3d ed. 2010).

Plaintiffs filed this action pleading diversity jurisdiction under 28 U.S.C. § 1332(a)(1). [Doc. 1.] Plaintiffs allege that defendant is a limited liability company (“LLC”)—although defendant’s name denotes it as a limited partnership (“LP”)—and that defendant is a citizen of Arkansas and has its principal place of business in Arkansas. [Doc.

1 at ¶¶ 5–7.] “An LLC’s citizenship, for purposes of diversity jurisdiction, is the citizenship of each of its *members*.” *E3 Biofuels, LLC v. Biothane, LLC*, 781 F.3d 972, 975 (8th Cir. 2015) (quoted case omitted) (emphasis added). For partnerships, “[w]hen one of the parties to the action is a limited partnership, the citizenship of each general and limited partner must be considered in determining whether complete diversity of citizenship exists.” *Barclay Square Properties v. Midwest Fed. Sav. & Loan Ass’n of Minneapolis*, 893 F.2d 968, 969 (8th Cir. 1990). To establish complete diversity of the parties, plaintiff should specify whether defendant is an LLC or LP and then make the required showing of citizenship for members of an LLC or partners of an LP. Without such a showing, plaintiff has not shown that this Court has subject matter jurisdiction over the case.

Accordingly,

IT IS HEREBY ORDERED that, by November 3, 2022, plaintiffs shall file an amended complaint in accordance with this memorandum.

IT IS FURTHER ORDERED that if plaintiffs do not timely and fully comply with this order, this matter will be dismissed for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that all other proceedings in this case are **STAYED** pending further order of this Court.

Dated this 19th day of October, 2022.

A handwritten signature in dark ink, appearing to read "Stephen N. Limbaugh, Jr.", written in a cursive style.

STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE